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Department of Community Development
Taped and Televised

**PLANNING COMMISSION
Regular Meeting
Thursday, October 28, 2021
5:30 PM
Christine Nuernberg Hall**

Minutes

1) Call to Order, Roll Call

Present:

Chair John Wirth
Alderman Robert Strzelczyk
Commissioner Martin Choren
Commissioner Dan Gentges
Commissioner Joe Goldberger
Alternate Stephanie Hawley
Commissioner James Schaefer
Commissioner Rebecca Schaefer
Commissioner John Stoker
Alternate Gregg Bach - **Absent**
Commissioner Rick Lemke - **Absent**

Mayor Wirth called the meeting to order at 6:00 p.m.

a) Approval of Meeting Minutes from September 27, 2021

Action

Commissioner Becky Schaefer made a motion to approve the minutes from September 27, 2021.
Commissioner Gentges seconded the motion.
A voice vote was taken; vote passed (8-0)

RESULT:	APPROVED [8 TO 0]
MOVER:	Rebecca Schaefer, Commissioner
SECONDER:	Dan Gentges, Commissioner
AYES:	Wirth, Strzelczyk, Choren, Gentges, Hawley, J. Schaefer, R. Schaefer, Stoker
ABSENT:	Lemke

Mayor Wirth stated that item (2f) has been requested to be removed from the consent agenda and will be discussed separately.

2) Consent / Regular Business

- a) The Woods at Highland Park. The applicant is seeking development agreement approval for Phase II consisting of 10 units the property located at 12409-12448 N. Crane Bay Court and 5951-6153 W. Woods Court.

Action

Commissioner Stoker made a motion to approve the 5 items (2 a-e) on the consent agenda.

Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed (8-0)

RESULT:	APPROVED [8 TO 0]
MOVER:	John Stoker, Commissioner
SECONDER:	Robert Strzelczyk, Alderman
AYES:	Wirth, Strzelczyk, Choren, Gentges, Hawley, J. Schaefer, R. Schaefer, Stoker
ABSENT:	Lemke

- b) Vessels of Honour Church. The applicant is seeking rezoning recommendation and land use plan amendment approval from R-1 (Rural Residential) zoning to IPS (Institutional and Public Service) zoning to IPS for the property located at 10055 N. Wauwatosa Road.
- c) North Shore Congregational of Jehovahs Witnesses. The applicant is seeking rezoning recommendation and land use plan amendment approval from R-2B (Residential) zoning to IPS (Institutional and Public Service) zoning for the property located at 7420 W. Donges Bay Road.
- d) Congregation Anshai Lebowitz. The applicant is seeking rezoning recommendation and land use plan amendment approval from R-3 (Residential) zoning to IPS (Institutional and Public Service) zoning for the property located at 2415 W. Mequon Road.
- e) Center for Jewish Life. The applicant is seeking rezoning recommendation and land use plan amendment approval from R-3 (Residential) zoning to IPS (Institutional and Public Service) zoning for the property located at 2233 W. Mequon Road

- f) MATC. The applicant is seeking rezoning recommendation approval from R-3 (Residential) zoning to IPS (Institutional and Public Service) zoning for the property located at 5555 Highland Road.

Asst. Dir. Zader stated that when conditional use changes were made several months ago, this was one of the subject parcels that required a zoning change. The site had been zoned residential since the 1970's and needs to be rezoned to institutional zoning. The land use plan was already changed to institutional zoning and the zoning should have been addressed at that time as now there is a conflict between the zoning and the land use plan. This zoning will match every other school in the city and will be a permitted use.

Public Comment

Adam Stonitsch-5120 W. Cairdel Lane – stated that his property is adjacent to MATC. He explained that over the past 19 years MATC has not always been a good neighbor due to excess noise and unsightly heavy equipment placed on the site. He would like to know how the Planning Commission and MATC can ensure they continue to be good neighbors.

Ald. Strzelczyk asked staff about the impact of MATC possibly selling off a portion of their property and how that could affect the IPS zoning.

Asst. Dir. Zader answered that a condition can be added to the ordinance that any new property owner would be subject to a PILOT if they file tax exempt. There is still building and site plan control if a new use would come forward and the IPS has district requirement standards. He also stated that the Agricultural Overlay will remain in effect.

Mayor Wirth stated that this site is different from the other properties on the consent agenda that are being rezoned in that it is a very large parcel that could be divided, and many different uses could be allowed there. He requested that the ordinance be included the next time this item is submitted for approval along with the allowed uses, what could be subdivided, what additional rights new owners might have in terms of usage and whether the city loses any previous control.

Action

Ald. Strzelczyk made a motion to table this item.

Mayor Wirth seconded the motion.

A voice vote was taken; vote passed (8-0)

RESULT:	TABLED [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Wirth, Chair
AYES:	Wirth, Strzelczyk, Choren, Gentges, Hawley, J. Schaefer, R. Schaefer, Stoker
ABSENT:	Lemke

3) Public Hearing

- a) Founders 3 for Denco Properties, LLC. The applicant is seeking conditional use grant and site plan amendment approval to allow for a dog training facility to include doggie daycare, boarding, grooming and retail for the property located at 10510 N. Port Washington Road (Pet U). (Public Hearing)

Action

Commissioner Stoker made a motion to open a public hearing.

Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed (8-0)

No public comment

Action

Commissioner Stoker made a motion to close the public hearing.

Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed (8-0)

Planner Vang stated that the property is zoned B-2 which requires a conditional use for a kennel; which is defined as “any location where dogs or cats are maintained, boarded, bred, kept or cared for the purpose of sale or groomed, trained, handled or others”. PetU proposes to relocate their current business from Glendale to this site; they have two other locations in Milwaukee and Racine. All activities will be conducted indoors and will be monitored by staff. They are proposing an enclosed outdoor play area for the dogs which is shown on the site plan.

She explained that in 2016, Planning Commission did approve a doggy daycare at this location to allow up to 100 dogs at one time. That business never opened as they found another location in the city.

Staff believes the use will be compatible with the surrounding area subject to the conditions in the report. The use is also subject to meeting Section 58-532 which applies to kennels. The site plan shows the outdoor play area surrounded by a 6-foot chain link fence. Staff would normally not support a chain link fence on a commercial property; however, this site has low visibility to adjacent properties and from the public view. There are non-compliant issues to be addressed listed in the staff report which must be resolved prior to recording of the CUG. Additionally, there are additional site improvements that must be completed by June 30, 2022. Staff does support the conditional use and site plan amendment.

The applicant, Angela Trzcinski, answered a question from the Commission that there will never be more than 15 dogs allowed outside at one time and also that there will not be any outdoor overnight kenneling.

Action

Ald. Strzelczyk made a motion to approve with the added condition that outdoor overnight boarding is not allowed.

Commissioner Stoker seconded the motion.

A roll call vote was taken; vote passed (8-0)

RESULT:	APPROVED WITH CONDITIONS [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	John Stoker, Commissioner
AYES:	Wirth, Strzelczyk, Choren, Gentges, Hawley, J. Schaefer, R. Schaefer, Stoker
ABSENT:	Lemke

- b) Susan Bristol. The applicant is seeking conditional use grant approval to allow for a guest house located in a detached barn for the property located at 8414 W. County Line Road. (Public Hearing)

Action

Commissioner Stoker made a motion to open a public hearing.

Ald. Strzelczyk seconded the motion.

A voice vote was taken; vote passed (8-0)

No public comment

Action

Ald. Strzelczyk made a motion to close the public hearing.

Commissioner Stoker seconded the motion.

A voice vote was taken; vote passed (8-0)

Planner Vang stated that a conditional use is required because it is located in an existing detached structure with an attached garage and barn. The applicant is adding the guest room on the second level. The use is subject to meeting the conditions in Section 58-548 pertaining to guesthouses. Staff supports the conditional use requested.

It was noted by the Commission that this is a Landmark property, and many believe that this will be a nice use for this site.

Action

Ald. Strzelczyk made a motion to approve the conditional use.

Commissioner Stoker seconded the motion.

A voice vote was taken; vote passed (8-0)

4) Regular Business

- a) An ordinance amending chapter 58 as it relates to permitted uses in Table 58-301-1 of the Town Center zoning district and Table 58-517 (C) of Division 11 Animals and Animal Related Uses to allow Veterinary Clinics.

Asst. Dir. Zader stated this is a text amendment to allow veterinary clinics in the Town Center (“TC”) zoning district. Mequon Town Center (“MTC 1”) is requesting this as there has been interest for an animal clinic to be located at this site. The criteria required by the code for an animal hospital was included in the packet:

- Cannot be located next to an adjacent restaurant, grocery or food service.
- All boarding should be enclosed in the building.
- Must have an outdoor area for the dogs for exiting and entering the building.

He explained the reason this use was not originally included in the Town Center zoning is that less auto-dominated uses were desired. Due to all the residential apartments, which are all pet-friendly, staff believes this use would be appropriate in the Town Center and supports the change to the zoning district.

The applicant, Victor Anderson from MTC 1, stated they have received some interest in animal clinics going into vacant spaces at the site. He believes this will be a great use for the TC area.

There was some discussion regarding the outdoor space required and whether it is necessary for an animal clinic as it is not a kennel. It was clarified that the outdoor space requirement is not intended as a large play area. Many Commissioners support this use for this zoning district.

Action

Ald. Strzelczyk made a motion to approve the text amendment and recommend it to the Common Council for consideration.

Commissioner Gentges seconded the motion.

A roll call vote was taken; vote passed (8-0)

Mayor Wirth stated that a first reading would take place at the November Common Council meeting and a public hearing would take place in December.

RESULT:	APPROVED [8 TO 0]
MOVER:	Robert Strzelczyk, Alderman
SECONDER:	Dan Gentges, Commissioner
AYES:	Wirth, Strzelczyk, Choren, Gentges, Hawley, J. Schaefer, R. Schaefer, Stoker
ABSENT:	Lemke

5) Announcements

The next meeting is Monday, November 22, 2021, at 6:00 p.m.

6) Adjourn

Action

Ald. Strzelczyk made a motion to adjourn.
Commissioner Stoker seconded the motion.
A voice vote was taken; vote passed (8-0)

Respectfully Submitted,

Jac Zader